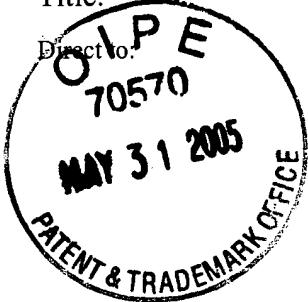


In re Application of: Frey, Perry A. et al.Application No.: 09847010Filing Date: 05/01/01Title: METHOD FOR PRODUCING L-BETA-LYSINE

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NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

May 27, 2005
Date

Joseph P. Meara
Signature
Joseph P. Meara
Typed or printed name

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Atty. Dkt. No. 032026-0579

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Perry A. FREY and Frank J. RUZICKA
Title: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE
Appl. No.: 09/847,010
Filing Date: 05/01/2005
Examiner: Richard G. Hutson
Art Unit: 1652

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| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. | |
| <u>Joseph P. Meara</u> (Printed Name) | |
| <u><i>Joseph P. Meara</i></u> (Signature) | |
| 5/27/05 (Date of Deposit) | |

REPLY TO NOTICE UNDER 37 CFR 1.251

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Sir:

This communication is responsive to the notice under 37 CFR 1.251 dated May 19, 2005, concerning the above-referenced patent application. A complete and accurate copy of applicant's record of all of the documents submitted on April 13, 2004 is enclosed, including:

1. Notice Under 37 CFR 1.251- Pending Application
2. Copy of previously filed postcard
3. Copy of filing receipt EV 383676996 US April 13, 2004
4. Copy of previously filed Request for Continued Examination (RCE) Transmittal
5. Copy of previously filed Submission Accompanying Request for Continuing Examination Under 37 CFR 1.114
6. Copy of previously filed Copy of Written Description Decision Tree

7. Copy of previously filed Petition for Extension of Time (1 month)

Respectfully submitted,

Date May 27, 2005

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4303
Facsimile: (608) 258-4258

By Joseph P. Meara

Joseph P. Meara
Attorney for Applicant
Registration No. 44,932